

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 512

HOUSE CONCURRENT RESOLUTION NO. 3001

(Legislative Management)
(Agriculture and Transportation Committee)

A concurrent resolution urging Congress to temporarily amend cargo carrying truck length and weight restrictions on state highways and interstates that are a part of the National Network to allow North Dakota and surrounding states to conduct a road train pilot program and to permanently amend the restrictions to allow road trains on the National Network highways and interstates if the pilot program is successful.

WHEREAS, the National Network is an approved network of state highways and interstates in the United States for use by large trucks and commercial truck drivers; and

WHEREAS, the National Network supports interstate commerce by regulating the size of trucks operating on the National Network through a federal cargo carrying length limitation of approximately 100 feet depending on truck configuration and a federal cargo carrying weight limitation of approximately 80,000 pounds gross vehicle weight; and

WHEREAS, grandfathered provisions in operation in the state at the time federal regulations were enacted provide trucks in North Dakota may be up to 110 feet in overall length and 105,500 pounds gross vehicle weight on permissible routes; and

WHEREAS, trucks operating on the 129,000 pound Limited Transportation Network may be up to 129,000 pounds gross vehicle weight on certain routes; and

WHEREAS, the United States is experiencing a shortage of approximately 900,000 truck drivers with commercial driver's licenses; and

WHEREAS, railroad infrastructure has diminished by approximately 40 percent between 1920 and 2017, from 5,400 miles of track to 3,330 miles of track; and

WHEREAS, it is becoming more difficult to meet increasing demands for freight and commodities in a timely and efficient manner due, in part, to the shortage of commercial truck drivers and the reduced railroad infrastructure; and

WHEREAS, a road train is a trucking vehicle consisting of two or more connected trailers or semitrailers linked and hauled by a single operating prime mover or tractor unit which may exceed overall length and total gross vehicle weight limitations, but not exceed current statutory axle load limitations; and

WHEREAS, Australia uses road trains to move freight in an efficient manner to meet demand; and

WHEREAS, allowing road trains to exceed federal truck length and total gross vehicle weight limitations may be a viable solution to the efficiency and capacity issues resulting from the shortage of commercial truck drivers and reduced railroad infrastructure by allowing commercial truck drivers to haul more freight in longer and heavier cargo loads;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges the Congress of the United States to temporarily amend cargo carrying truck length and weight restrictions on state highways and interstates that are a part of the National Network to allow North Dakota and surrounding states to conduct a road train pilot program and to permanently amend the restrictions to allow road trains on the National Network highways and interstates if the pilot program is successful; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and each member of the North Dakota Congressional Delegation.

Filed March 9, 2021

CHAPTER 513

HOUSE CONCURRENT RESOLUTION NO. 3002

(Legislative Management)
(Government Finance Committee)

A concurrent resolution recognizing the memorandum of understanding and option to acquire land entered by the Department of Corrections and Rehabilitation, by and through the State Penitentiary and the Missouri River Correctional Center and the Parks and Recreation Department.

WHEREAS, the Department of Corrections and Rehabilitation, by and through the State Penitentiary and the Missouri River Correctional Center, previously known as the North Dakota State Farm, is in continuous and open possession and custody of the real property owned by the State of North Dakota and located in the northwest quarter and northeast quarter of Section 29, Township 138 North, Range 80 West, Burleigh County, described as part of Government lots 1, 2, 3, and 4, and the northwest quarter and northeast quarter of Section 29, and what is described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Document No. 851887 and as Exhibit A to Document No. 851886; and that part of the northeast quarter and the northwest quarter of Section 30, Township 138 North, Range 80 West, Burleigh County, and what is now described as Auditor's Lot "A" in the plat recorded with the Burleigh County Recorder as Document No. 851888 and as Exhibit B to Document No. 851886, but subject to any designated sovereign lands within the ordinary high water mark of the Missouri River in accordance with North Dakota Century Code Section 61-33-03; and

WHEREAS, the described property was originally managed and farmed by the State Penitentiary, which in 1941 became known as the North Dakota State Farm and is now known as the Missouri River Correctional Center, an affiliated facility of the State Penitentiary, which includes approximately 300 acres of irrigated crop land as authorized under Water Permit No. 939 issued by the state engineer; and

WHEREAS, North Dakota State University used parts of the property described as Auditor's Lot "A" in Section 29 and Auditor's Lot "A" in Section 30, along with other property under the management of the Department of Corrections and Rehabilitation, for agricultural research, including multispecies grazing research and the management of noxious weeds; and

WHEREAS, the custody of the property, Auditor's Lot "A" in Section 29 and Auditor's Lot "A" in Section 30, was transferred to the Parks and Recreation Department in 2016, to develop into a state park; and

WHEREAS, in 2017, the Parks and Recreation Department determined it was not in the position to develop the state property into a state park, but the Department of Corrections and Rehabilitation had immediate management needs for return of the custody of the transferred land to the Department of Corrections and Rehabilitation, and in 2017, custody of the property was subsequently transferred to the Department of Corrections and Rehabilitation; and

WHEREAS, the Missouri River Correctional Center includes a campus and adjacent property located in Section 19, Township 138 North, Range 80 West, Burleigh County; and

WHEREAS, in July 2018, the Department of Corrections and Rehabilitation and the Parks and Recreation Department, entered a memorandum of understanding and option to acquire land, providing if the Department of Corrections and Rehabilitation determines to discontinue the operation of the Missouri River Correctional Center in Sections 19, 29, and 30 in Township 138 North, Range 80 West, Burleigh County, and to divest itself of custody of such state property, the Department of Corrections and Rehabilitation grants to the Parks and Recreation Department the option to acquire custody of the property, or a portion of the premises, subject to the approval of the Legislative Assembly, and the ability, resources, and available appropriations of the Parks and Recreation Department to develop the property into a state park.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

The Sixty-Seventh Legislative Assembly supports the memorandum of understanding and option to acquire land entered by the Department of Corrections and Rehabilitation and Parks and Recreation Department; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Department of Corrections and Rehabilitation and Parks and Recreation Department.

Filed March 24, 2021

CHAPTER 514**HOUSE CONCURRENT RESOLUTION NO. 3006**

(Representatives Nehring, Karls, Magrum, Porter, Toman)
(Senator Anderson)

A concurrent resolution urging Congress and the President of the United States to protect the Second Amendment of the United States Constitution.

WHEREAS, the Second Amendment of the United States Constitution states in part "the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, Section 1, Article 1, of the Constitution of North Dakota includes similar language declaring it is an individual's inalienable right "to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes"; and

WHEREAS, the right of citizens to bear arms is a fundamental right that should be protected to the greatest degree possible; and

WHEREAS, the restriction on the possession of firearms, including the taxation or assessment of fees by the federal government on the purchase or possession of a firearm or ammunition, would violate the freedoms guaranteed in the Constitution;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges Congress and the President of the United States to protect the Second Amendment of the United States Constitution; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States and to each member of the North Dakota Congressional Delegation by certified mail.

Filed April 20, 2021

CHAPTER 515**HOUSE CONCURRENT RESOLUTION NO. 3009**

(Representatives Klemin, Pyle, Schreiber-Beck)
(Senator Oban)

A concurrent resolution requesting the Legislative Management to consider studying provisions of the North Dakota Century Code relating to compulsory school attendance, including a comparison of compulsory school attendance laws in other states.

WHEREAS, the state's statutory framework for compulsory school attendance is codified as North Dakota Century Code Chapter 15.1-20; and

WHEREAS, since the last elementary and secondary education statutory revision, which was completed in 2001, minimal changes have been made relating to compulsory school attendance laws; and

WHEREAS, the education system is evolving; and

WHEREAS, there are questions whether the existing compulsory school attendance provisions are appropriate and reflect best practices under the evolving education system in the state; and

WHEREAS, a comprehensive review of the compulsory school attendance statutory framework is essential for setting clear objectives and expectations for education in the state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying provisions of the North Dakota Century Code relating to compulsory school attendance, including a comparison of compulsory school attendance laws in other states; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed March 12, 2021

CHAPTER 516

HOUSE CONCURRENT RESOLUTION NO. 3011

(Representatives Satrom, Ostlie, Skroch)
(Senators Conley, Larson, Myrdal)

A concurrent resolution directing the Legislative Management to consider studying and researching the impact of substance abuse and neonatal withdrawal syndrome, including a focus on fetal alcohol spectrum disorders (FASDs), including treatment, services available, potential prevention, and whether existing policies for children and adults are appropriate.

WHEREAS, FASDs are a group of conditions, including fetal alcohol syndrome, which can occur in an individual whose mother drank alcohol during pregnancy and which may include physical problems and problems with behavior and learning; and

WHEREAS, in 1993, the Legislative Assembly created the Fetal Alcohol Syndrome Center at the University of North Dakota School of Medicine and Health Sciences; and

WHEREAS, the Fetal Alcohol Syndrome Center publishes an annual report on the status of FASDs in the state; and

WHEREAS, although the prevalence of FASDs is 1 to 5 percent of live births in North Dakota, only 5 to 15 percent will be diagnosed with FASDs; and

WHEREAS, there is an increased cost of medical care services for a child with FASDs, with an annual excess cost for medical care due to FASDs of \$4,403 per case, and the cost of inpatient medical care for each case of FASDs to age 18 being \$95,034; and

WHEREAS, in addition to medical care, the cost to a family to care for a child with FASDs is \$17,400 per year, including expenses for travel, meals and lodging, insurance deductibles, vacation and sick leave, child care, work-related costs, and deferred promotions; and

WHEREAS, although prenatal alcohol exposure often occurs with other substance abuse and often is not detected, of all the substances of abuse, alcohol produces by far the most serious adverse effects for the fetus; and

WHEREAS, if a woman has a child with FASDs and continues to drink, the woman has more than a 75 percent chance of having another child with FASDs;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying and researching the impact of substance abuse and neonatal withdrawal syndrome, including a focus on FASDs, including treatment, services available, potential prevention, and whether existing policies for children and adults are appropriate; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, incorporating the task force on substance exposed newborns recommendations as a result of 2015 Senate Bill No. 2367, as approved by the Sixty-fourth legislative assembly, to the Sixty-eighth Legislative Assembly.

Filed April 20, 2021

CHAPTER 517

HOUSE CONCURRENT RESOLUTION NO. 3013

(Representatives Cory, Dockter, Howe, Lefor, Louser, Mock, O'Brien, Pyle, Strinden)
(Senators Meyer, Poolman)

A concurrent resolution directing the Legislative Management to consider studying issues related to employment restrictions in public assistance programs.

WHEREAS, workforce shortage issues have been identified as a major challenge for business development in North Dakota; and

WHEREAS, businesses are seeking incentives for workers to fill shortfalls in the labor market; and

WHEREAS, some workforce issues could be resolved by allowing employees to work additional hours when available; and

WHEREAS, some public assistance programs restrict eligibility based on total number of hours worked by employees; and

WHEREAS, total hours worked is not always an indicator of the needs an individual may have for receiving public assistance; and

WHEREAS, finding means to allow employees to work additional hours without automatically losing public assistance benefits may be a way of addressing some labor shortage issues; and

WHEREAS, employment and benefits have been impacted by the SARS-CoV-2 pandemic, commonly known as COVID-19; and

WHEREAS, changes to federal benefits should be monitored and tracked to ensure the state's public assistance programs remain flexible; and

WHEREAS, one method for addressing labor shortage issue may be to encourage and enable employees willing to work additional hours to do so without losing benefits;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying issues relating to employment restrictions in public assistance programs; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed March 18, 2021

CHAPTER 518

HOUSE CONCURRENT RESOLUTION NO. 3014

(Representatives Dobervich, Mitskog, Mock, Rohr, Schneider, Schreiber-Beck, Tveit,
Westlind)

(Senators Anderson, Hogan, Kannianen, K. Roers)

A concurrent resolution directing the Legislative Management to consider studying solutions to provider and end-user barriers to access to and utilization of telehealth services in this state.

WHEREAS, telehealth is an evidence-based best practice for expanding access to care for North Dakota's rural and tribal communities and for areas experiencing health care workforce shortages; and

WHEREAS, limited evaluation and research information is available publicly regarding North Dakota telehealth end users to apply to developing, expanding, and resourcing telehealth services in North Dakota; and

WHEREAS, Internet service access, access to electronic devices, reimbursement, regulations, sustainability, transportation, and interoperability have been identified as potential barriers to telehealth services efficacy for populations who may experience the greatest benefit from telehealth;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying solutions to provider and end-user barriers to access to and utilization of telehealth services in this state; and

BE IT FURTHER RESOLVED, that the Legislative Management report its finding and recommendations, together with any legislation required to implement the recommendation, to the Sixty-eighth Legislative Assembly.

Filed April 14, 2021

CHAPTER 519**HOUSE CONCURRENT RESOLUTION NO. 3015**

(Representatives Dobervich, P. Anderson, Buffalo, Mitskog, M. Nelson)
(Senators Hogan, Mathern)

A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of implementing a community health worker program, including recommendations regarding a definition of a community health worker, the scope of work of a community health worker, the infrastructure for training of community health workers, the development of a community health worker certification process and related training curriculum and continuing education requirements, a strategy for community health worker services being Medicaid-reimbursed services, and private insurers' use of community health workers.

WHEREAS, community health workers serve as a connection between health care professionals' care and patients' home-based implementation of that care; and

WHEREAS, utilization of community health workers is an evidence-based approach to chronic disease prevention and management; and

WHEREAS, utilization of community health workers has been evidenced to reduce nonemergent utilization of emergency and specialty services;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the feasibility and desirability of implementing a community health worker program, including recommendations regarding a definition of a community health worker, the scope of work of a community health worker, the infrastructure for training of community health workers, the development of a community health worker certification process and related training curriculum and continuing education requirements, a strategy for community health worker services being Medicaid-reimbursed services, and private insurers' use of community health workers.

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed April 16, 2021

CHAPTER 520**HOUSE CONCURRENT RESOLUTION NO. 3019**

(Representatives Headland, Brandenburg, D. Johnson, Mitskog, Schmidt, Schreiber-Beck)
(Senators Sorvaag, Wanzenk)

A concurrent resolution directing the Legislative Management to consider studying the fiscal and safety impacts of United States Fish and Wildlife Service easements in North Dakota on the Department of Transportation, Department of Agriculture, and counties.

WHEREAS, the United States Fish and Wildlife Service owns perpetual easements in North Dakota, including easements adjacent to roadways; and

WHEREAS, the United States Fish and Wildlife Service may impose regulatory requirements on state agencies and political subdivisions constructing or improving roads or engaging in other projects when the United States Fish and Wildlife Service deems its interests would be impacted by the projects; and

WHEREAS, the imposition of federal requirements may delay or otherwise negatively impact the construction and improvement of roads or other projects in North Dakota; and

WHEREAS, delays and other impacts from federal requirements may impede road improvements and repairs necessary for public safety and increase the cost of construction to the state and political subdivisions;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the fiscal and safety impacts of United States Fish and Wildlife Service easements in North Dakota on the Department of Transportation, Department of Agriculture, and counties.

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed March 29, 2021

CHAPTER 521

HOUSE CONCURRENT RESOLUTION NO. 3020

(Representatives Schatz, Becker, Bellew, Delzer, Kempenich, Meier, D. Ruby, Steiner,
Toman)
(Senators O. Larsen, Myrdal)

A concurrent resolution declaring the state will obey only the federal laws, agency rules, or presidential executive orders the state determines to be constitutional.

WHEREAS, the Tenth Amendment of the Constitution of the United States provides the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people; and

WHEREAS, Section 2 of Article I of the Constitution of North Dakota provides "all political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require"; and

WHEREAS, the state reserves the right to evaluate federal laws, agency rules, or presidential executive orders for their constitutionality; and

WHEREAS, some federal laws, agency rules, or presidential executive orders are not in the best interest of the citizens of North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly declares the state will obey only the federal laws, agency rules, or presidential executive orders the state determines to be constitutional; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States and to each member of the North Dakota Congressional Delegation.

Filed April 20, 2021

CHAPTER 522

HOUSE CONCURRENT RESOLUTION NO. 3021

(Representatives Schatz, Dockter, Heinert, B. Koppelman, Pollert, Rohr, M. Ruby,
Schmidt, Skroch)
(Senators Elkin, D. Larsen, O. Larsen)

A concurrent resolution directing the Legislative Management to consider studying the factors contributing to the nation's firearm and ammunition shortage and the impact the shortage has had on the quality of life for North Dakota citizens.

WHEREAS, the firearm and ammunition inventory of wholesalers and distributors, which is at a historic low, is not due to a shortage in materials; and

WHEREAS, while firearm and ammunition retailers, wholesalers, and distributors had piles of inventory in January 2020, by December 2020, the same racks and shelves were empty; and

WHEREAS, with an election year that has had significant consequences for gun rights, a global pandemic event, rioting in cities and urban centers throughout the United States, there is an unprecedented demand for self-defense tools; and

WHEREAS, the firearm and ammunition shortage directly impacts the personal protection capabilities and safety of North Dakota citizens and the ability of law enforcement and military personnel to perform their essential duties; and

WHEREAS, North Dakota is one of the gun-friendliest states in the nation, a state in which gun rights and hunting are sacred so the firearm and ammunition shortage negatively impacts hunting and predator control within the state; and

WHEREAS, the Legislative Assembly should work to ensure the supply and price of firearms and ammunition remains stable in North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the factors contributing to the nation's current firearm and ammunition shortage and the impact the shortage has had on the quality of life for North Dakota citizens; and

BE IT FURTHER RESOLVED, that the Legislative Management develop a plan of action to resolve the state's current firearm and ammunition shortage; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed April 20, 2021

CHAPTER 523**HOUSE CONCURRENT RESOLUTION NO. 3023**

(Representatives K. Koppelman, Bosch, Klemin, Louser, Pollert)
(Senators Burckhard, Dwyer, Wardner)

A concurrent resolution urging Congress to propose an amendment to the United States Constitution to prohibit changing the number of justices serving on the United States Supreme Court and that the amendment should state the Supreme Court of the United States shall be composed of nine justices.

WHEREAS, an independent United States Supreme Court is an essential element of America's system of checks and balances that protects individuals' constitutional rights; and

WHEREAS, the United States Supreme Court has been composed of nine justices for more than 150 years; and

WHEREAS, the President of the United States and Congress should be prohibited from undermining the independence of the United States Supreme Court by changing the number of justices on the United States Supreme Court;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges Congress to propose an amendment to the United States Constitution to prohibit changing the number of justices serving on the United States Supreme Court and that the amendment should state the Supreme Court of the United States shall be composed of nine justices; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, and each member of the North Dakota Congressional Delegation.

Filed April 16, 2021

CHAPTER 524

HOUSE CONCURRENT RESOLUTION NO. 3025

(Representatives Nehring, Delzer, Kreidt, Porter, Schmidt, Toman)
(Senators Anderson, Kannianen, Bell)

A concurrent resolution urging the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in North Dakota and to increase support for research, development, and deployment for next generation carbon-based energy generation.

WHEREAS, North Dakota has at least an 800-year supply of economically recoverable lignite coal at current production rates and has become the second largest oil producer in the United States; and

WHEREAS, because of energy intensive industries, weather extremes, and transportation requirements, North Dakota is ranked second in the nation in energy expenditures per capita based on 2018 data used in the latest rankings from the United States Energy Information Administration; and

WHEREAS, the North Dakota lignite industry generates over 60 percent of the electricity

in the state and provides affordable electricity to more than two million families throughout the upper Midwest; and

WHEREAS, the lignite coal industry contributes more than \$5.4 billion in total business activity to North Dakota; and

WHEREAS, the lignite coal industry employs 13,000 individuals with some of the highest wages in the state; and

WHEREAS, economic analysis by the North Dakota State University agribusiness and applied economics researchers estimates a new 500 megawatt, coal-based electric generating facility would create \$54.3 million in personal income, \$40 million in retail sales, and \$173.7 million in total business activity each year; and

WHEREAS, the current value of the state's existing coal-based infrastructure is \$18.6 billion; and

WHEREAS, state tax revenues attributed to the lignite industry have increased from \$61.4 million in 2000 to over \$125 million in 2020; and

WHEREAS, current federal regulations represent a de facto ban on the construction of new, efficient, and cost-effective coal-based power plants and threaten the continued operation of existing coal-based power plants; and

WHEREAS, federal policy gives other electric generation resources a significant competitive advantage; and

WHEREAS, uncertainty around federal regulations continues to discourage investment in coal-based facilities; and

WHEREAS, North Dakota continues to serve as a model for responsible production of its natural resources, including a longstanding standard of reclaiming mined land to as good or better than before mining; and

WHEREAS, North Dakota continues to be one of only 17 states meeting all federal ambient air quality standards; and

WHEREAS, affordable, reliable power is the backbone of North Dakota's established and emerging industries; and

WHEREAS, advancements in carbon capture utilization and storage can unlock enormous potential for the state's energy industries and economy;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in North Dakota and to increase its support for research, development, and deployment for next generation carbon-based energy generation; and

BE IT FURTHER RESOLVED, that the federal government is urged to withdraw and revise regulations and other administrative actions that negatively impact the ability to use North Dakota's lignite coal reserves for affordable and reliable domestic power; and

BE IT FURTHER RESOLVED, that the federal government is urged to work with the state, the North Dakota Congressional Delegation, and the North Dakota lignite industry to design and implement regulatory programs based on sound science with inputs from local sources, recognize the status of existing technology, and develop timelines that make economic sense for the producers and consumers of electricity and byproducts derived from North Dakota lignite; and

BE IT FURTHER RESOLVED, that the federal government is urged to increase its partnership with the state of North Dakota and industry to develop technological solutions to enable the continuation of lignite-based electric generation; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Administrator of the United States Environmental Protection Agency, the Secretary of the Department of Energy, the Secretary of the Department of the Interior, and each member of the North Dakota Congressional Delegation.

Filed March 12, 2021

CHAPTER 525**HOUSE CONCURRENT RESOLUTION NO. 3026**

(Representatives Porter, Dockter, Headland, Nathe)
(Senators Bekkedahl, Bell, Wardner)

A concurrent resolution urging Congress and the President of the United States to protect agricultural producers and other large asset holders in the state by refraining from changing the federal estate and gift tax exemption and from raising income taxes.

WHEREAS, for 2020 the federal estate and gift tax exemption is \$11,580,000 per individual; and

WHEREAS, the federal estate and gift tax exemption allows individuals to leave up to the amount provided by the exemption to the individual's heirs without paying federal estate or gift tax; and

WHEREAS, the federal estate and gift tax exemption and lower income taxes allow for agricultural producers and other large asset holders to pass on wealth without large tax burdens hindering their heirs;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges Congress and the President of the United States to protect agricultural producers and other large asset holders in the state by refraining from changing the federal estate tax cap and from raising income taxes; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, and each member of the North Dakota Congressional Delegation.

Filed March 12, 2021

CHAPTER 526

HOUSE CONCURRENT RESOLUTION NO. 3027

(Representatives Porter, Damschen, Pollert, Zubke)
(Senators Bekkedahl, Patten, Bell, Wardner)

A concurrent resolution urging President Joseph R. Biden, Jr. to continue oil development on federal land and on federal minerals.

WHEREAS, the federal government leases land to mining companies for the hydraulic fracturing of natural gas on public land; and

WHEREAS, energy security is the primary reason for fossil fuel exploration on a nation's own land; and

WHEREAS, when a nation pumps oil in its own vicinity, the costs of shipping, production, and labor are reduced considerably; and

WHEREAS, local energy production adds jobs to the economy, often in rural places that are economically depressed and need the financial assistance; and

WHEREAS, in 2018, cities, counties, and states enjoyed more than a \$4 billion surplus from mining activities, and schools and infrastructure improvements in rural and economically depressed areas benefited greatly from that surplus; and

WHEREAS, nearly all Americans, not just energy companies and their immediate suppliers, are reaping the benefits of increasing energy production; and

WHEREAS, oil and natural gas development has occurred safely on federal land for decades, while bureaucratic red tape has caused production of these resources to fall sharply since 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges President Joseph R. Biden, Jr. to continue oil development on federal land and on federal minerals; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, and each member of the North Dakota Congressional Delegation.

Filed March 12, 2021

CHAPTER 527**HOUSE CONCURRENT RESOLUTION NO. 3028**

(Representatives Porter, Heinert)
(Senators Bekkedahl, Holmberg)

A concurrent resolution urging Congress to include state and local 911 dispatchers as qualified public safety employees and therefore not subject to the early distribution tax under the Internal Revenue Code retirement provisions.

WHEREAS, Internal Revenue Code Section 72(t) allows a "qualified public safety employee exception" to the 10 percent premature distribution tax on certain retirement distributions; and

WHEREAS, a qualified public safety employee includes an employee of a state or political subdivision of a state who provides police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such state or political subdivision; and

WHEREAS, according to a Wall Street Journal article, 911 "dispatchers are a linchpin of the nation's emergency-response infrastructure. Their responses to 911 calls directly impact how quickly police, firefighters and other first responders are sent to help and whether they go to the right place"; and

WHEREAS, recruiting and hiring 911 dispatchers, effectively staffing 911 call centers, and retaining 911 dispatchers has been a national problem for at least several decades, and it has worsened in recent years' tight labor markets; and

WHEREAS, the mental toll the job takes on 911 dispatchers can be extreme;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges Congress to include state and local 911 dispatchers as qualified public safety employees and therefore not subject to the early distribution tax under the Internal Revenue Code retirement provisions; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation.

Filed March 12, 2021

CHAPTER 528

HOUSE CONCURRENT RESOLUTION NO. 3029

(Representatives K. Koppelman, Pollert)

A concurrent resolution urging federal authorities to observe and respect the principles of federalism and limits on federal power prescribed by the Constitution of the United States.

WHEREAS, the Constitution of the United States delegates certain enumerated powers to the federal government and reserves all others, unless prohibited by the Constitution, to the states and to the people; and

WHEREAS, the principle of limited federal authority is the cornerstone of state and federal relations in the United States; and

WHEREAS, vigilant protection of the appropriate, historic, constitutional authority of states within the United States of America is foundational to our American form of government and critical to the sustaining of our freedoms; and

WHEREAS, the State of North Dakota long has been a champion of state prerogatives and state authority under the Constitution;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the sixty-seventh Legislative Assembly, while recognizing the important role of the federal government in protecting the basic rights of all our citizens, urges federal authorities to observe and respect the principles of federalism and limits on federal power prescribed by the Constitution of the United States; and

BE IT FURTHER RESOLVED, that the State of North Dakota hereby does affirm the primacy of state authority with respect to those powers not expressly delegated to the federal government; and

BE IT FURTHER RESOLVED, that the State of North Dakota calls upon state and federal officials representing North Dakota to collaborate in their efforts to respect, advocate, and defend the principles of federalism and protect the freedom and authority of this state and its people, under the Constitution; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to President Joseph R. Biden, Jr.; the Majority Leader, Minority Leader, and President Pro Tempore of the United States Senate; the Speaker and Minority Leader of the United States House of Representatives; each member of the North Dakota Congressional delegation, the Governor of North Dakota, the Majority Leader, Minority Leader, and President Pro Tempore of the North Dakota Senate; and the Majority Leader, Minority Leader, and Speaker of the North Dakota House of Representatives.

Filed April 14, 2021

CHAPTER 529**HOUSE CONCURRENT RESOLUTION NO. 3034**

(Representatives Monson, Boe, Schmidt)
(Senators Hogue, Sorvaag)
(Approved by the Delayed Bills Committee)

A concurrent resolution urging Congress and the President of the United States to fully fund the biota water treatment plant for the northwest area water supply.

WHEREAS, the Congress passed, and the President of the United States signed, into law the Pick-Sloan Missouri Basin Program as part of the Flood Control Act of 1944; and

WHEREAS, the State of North Dakota was promised flood control, 1.2 million acres of irrigation, power, water supply, recreation, fish and wildlife benefits, improved water quality, along with other benefits; and

WHEREAS, North Dakota gave up hundreds of thousands of prime river bottom acreage to receive these benefits, for which North Dakota only received an authorization of 75,480 acres of irrigation and no water supply to date; and

WHEREAS, the United States entered the Boundary Waters Treaty of 1909 with the nation of Canada, and the treaty states it is further agreed the waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other; and

WHEREAS, Congress acknowledged the significant loss to North Dakota and passed the Dakota Water Resources Act of 2000, which includes the municipal, rural, and industrial water supply program to compensate North Dakota for the broken promises; and

WHEREAS, the United States determined northwest area water supply requires a biota treatment plant to meet the conditions of the Boundary Waters Treaty of 1909, and construction of the northwest area water supply biota water treatment plant is a federal responsibility for which Congress has not appropriated any funds; and

WHEREAS, North Dakota is using funds from the municipal, rural, and industrial water supply program to construct the northwest area water supply biota water treatment plant, causing North Dakota to use federal money received for the losses incurred to be used for a federal responsibility, further injuring North Dakota.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly urges Congress and the President of the United States to fully fund the northwest area water supply biota water treatment plant; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Majority and Minority Leaders of Congress, in addition to each member of the North Dakota Congressional Delegation by certified mail.

Filed April 14, 2021

CHAPTER 530

HOUSE CONCURRENT RESOLUTION NO. 3035

(Representatives Klemin, Guggisberg, Longmuir, Owens, Schreiber-Beck, Simons)
(Senators Elkin, Oban, Schaible)

A concurrent resolution directing the Legislative Management to consider studying statutes governing career and technical education, including statutes in North Dakota Century Code Chapter 15-20.1 providing for the powers and duties of the state board of career and technical education, reciprocity with other states, cooperation with federal agencies, funding, reimbursement to institutions, gifts, reporting requirements, grants for innovation, elementary school entrepreneurship programs, career development certifications, career advisers, accessibility, impacts on students, and programs of study.

WHEREAS, it is the responsibility of the Legislative Assembly to review existing laws to ensure they continue to address the problems they are intended to rectify; and

WHEREAS, career and technical education is an important part of this state's educational system and is a key contributor to the economic health of this state; and

WHEREAS, career and technical education continues to evolve to meet the needs of students and this state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying statutes governing career and technical education, including statutes in North Dakota Century Code Chapter 15-20.1 providing for the powers and duties of the state board of career and technical education, reciprocity with other states, cooperation with federal agencies, funding, reimbursement to institutions, gifts, reporting requirements, grants for innovation, elementary school entrepreneurship programs, career development certifications, career advisers, accessibility, impacts on students, and programs of study; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed April 20, 2021

CHAPTER 531**HOUSE CONCURRENT RESOLUTION NO. 3043**

(Representative Becker)

A concurrent resolution directing the Legislative Management to consider studying the amount, type, cost, and occupancy of property leased by the state or any state agency since January 1, 2018.

WHEREAS, it is a legislative responsibility to be conscious of the state's budget; and

WHEREAS, numerous state agencies lease private property as office space throughout the state; and

WHEREAS, potential conflicts of interest should be considered upon the funding of state agencies;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management study the amount, type, cost, and percent occupancy of all space and property leased by the state or any state agency since January 1, 2018; and

BE IT FURTHER RESOLVED, that the study must include a determination of the individuals who own the property leased by the state or a state agency, including the members of a corporation, partnership, or any other type of entity that owns property leased by the state or a state agency, whether any statewide elected or appointed official should be restricted from owning any property leased by the state or state agency under the direction of the state agency, and whether a legislator should be prohibited from voting on appropriation bills for agencies that lease property from the legislator; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed April 7, 2021

CHAPTER 532

HOUSE CONCURRENT RESOLUTION NO. 3046

(Representative K. Koppelman)

A concurrent resolution directing the Legislative Management to consider studying the administrative rules process, including a review of any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous, the degree to which agencies are complying with the process, which state agencies are specifically exempt from the process, and if those state agencies should remain exempt.

WHEREAS, the Legislative Assembly has authorized administrative agencies to adopt administrative rules through the administrative rules process outlined in North Dakota Century Code Chapter 28-32; and

WHEREAS, upon becoming effective, administrative rules have the force and effect of law; and

WHEREAS, the Legislative Assembly specifically has exempted at least 20 state agencies from the administrative rules process; and

WHEREAS, the Legislative Assembly should review the specifically exempted state agencies and determine if those state agencies should remain exempt from the administrative rules process; and

WHEREAS, the Legislative Assembly periodically should review any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous; and

WHEREAS, the Legislative Assembly should study and review the administrative rules process to determine whether administrative agencies are implementing legislative purpose and intent properly and the degree to which agencies are complying with the process;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the administrative rules process, including a review of any relevant statutes regarding administrative rules to determine if any statutes are unclear or ambiguous, the degree to which state agencies are complying with the process, which state agencies are specifically exempt from the process, and if those state agencies should remain exempt; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-eighth Legislative Assembly.

Filed April 14, 2021

CHAPTER 533

HOUSE CONCURRENT RESOLUTION NO. 3047

(Representatives Louser, Becker, Jones, Kasper, B. Koppelman, K. Koppelman,
Pollert)

(Senators Meyer, Vedaa)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging Congress not to adopt H.R. 1 of the 117th Congress.

WHEREAS, H.R. 1, a sweeping federal bill that would usurp the power of states to conduct elections as they see fit, against the intentions of our nation's founders, is currently under consideration by Congress; and

WHEREAS, Section 4 of Article I of the United States Constitution grants the legislative branch of each state the authority to prescribe the "Times, Places and Manner of holding Elections for Senators and Representatives," an authority Congress should supersede only in "extraordinary circumstances" according to Alexander Hamilton in Federalist Number 59; and

WHEREAS, voting laws have evolved across the 50 states over time, providing more and more access, security, and accuracy. However, most importantly, each of those same 50 states has created its own unique election systems. From who administers the elections, to how votes are cast, to how a vote is protected--each unique system was born of federalism; and

WHEREAS, the imperfection of voting laws across the country is not proof that H.R. 1 is necessary or appropriate, but rather evidence that United States citizens are continuing to strive toward a more perfect union; and

WHEREAS, forcing completely new standards, procedures, and expectations into state election systems, which are not built for those requirements, as is the case under H.R. 1, would bring chaos to those election systems, and that chaos would bring with it a lack of trust by the people in the results of those elections; and

WHEREAS, in North Dakota, we have developed a system that has ensured voters have confidence in the outcome of our elections. Voter fraud and voter suppression are exceedingly rare, and our efforts to strengthen the security of our elections have become a model for others;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly affirms our belief in the federal structure of the United States government and declares current voting laws a credit to the design of federal government to allow for democratic experimentation throughout the several states; and

BE IT FURTHER RESOLVED, that the Sixty-seventh Legislative Assembly urges Congress not to adopt H.R. 1; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation.

Filed April 7, 2021

CHAPTER 534

HOUSE CONCURRENT RESOLUTION NO. 3048

(Representatives Tveit, Kasper, K. Koppelman, Meier, Pollert, Rohr, Steiner, Louser,
Toman)

(Senators Klein, Wardner, Hogue)

(Approved by the Delayed Bills Committee)

A concurrent resolution urging the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota.

WHEREAS, the United States is a nation that values law and order; and

WHEREAS, a crisis exists at the southern border of the United States, involving an unknown number of illegal aliens entering the United States without authorization; and

WHEREAS, media reports have asserted North Dakota is being considered by United States Department of Homeland Security officials as a potential site for the relocation of illegal aliens detained at the south Texas border; and

WHEREAS, accepting illegal aliens or assisting in propagation of illegal immigration, amidst the SARS-CoV-2 (COVID-19) pandemic, may harm the health, safety, and welfare of North Dakota citizens and may impose an unnecessary fiscal burden on those citizens; and

WHEREAS, in a letter to the United States Department of Homeland Security Secretary Alejandro Mayorkas dated March 23, 2021, Governor Doug Burgum stressed his administration's opposition to the transfer of detained illegal aliens from the southern border to North Dakota, stating "While our state willingly participates in the resettlement of legal, thoroughly vetted refugees, we strongly oppose any efforts to alleviate the southern border crisis of the overwhelming influx of migrants by transporting them to northern border states such as North Dakota"; and

WHEREAS, Governor Burgum's letter further stated, "We urge the administration to address this crisis at the source, fully enforce federal immigration laws, and reassure northern border states that relocation is not on the table";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly joins Governor Burgum and his administration in opposing any efforts to transfer illegal aliens who entered the United States without authorization to North Dakota; and

BE IT FURTHER RESOLVED, that the Sixty-seventh Legislative Assembly urges the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Senate Majority and Minority Leaders, the United States House of Representatives Majority and Minority Leaders, the Speaker of the United States House of Representatives, the secretary of the United States Senate, the clerk of the United States House of Representatives, the United States Department of Homeland Security Secretary Alejandro Mayorkas, and to each member of the North Dakota Congressional Delegation.

Filed April 16, 2021